

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO CARLOS ORTIZ-
CERVANTES,

Defendant.

8:14CR178

ORDER

This matter is before the Court on defendant Roberto Carlos Ortiz-Cervantes's ("Ortiz-Cervantes") pro se motion for a reduction in sentence (Filing No. 96) pursuant to 18 U.S.C. § 3582(c)(1)(A). That statute authorizes Ortiz-Cervantes to move the Court to "reduce [his] term of imprisonment" for "extraordinary and compelling reasons" thirty days after the warden of the facility where he is incarcerated receives a request to file such a motion on his behalf. Upon initial review, the Court finds Ortiz-Cervantes has potentially raised a colorable claim under § 3582(c)(1)(A)(i) and that appointing counsel will aid the Court in determining whether Ortiz-Cervantes's circumstances warrant any relief. Accordingly,

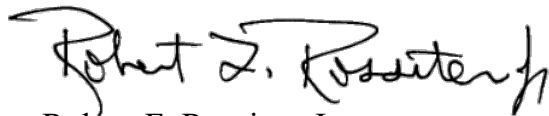
IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Ortiz-Cervantes for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.

3. If upon review the Federal Public Defender should conclude that Ortiz-Cervantes's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The U.S. Probation and Pretrial Services Office is directed to investigate Ortiz-Cervantes's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Ortiz-Cervantes's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Ortiz-Cervantes's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Ortiz-Cervantes's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 6th day of May 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge